

## AGRICULTURAL EROSION AND SEDIMENTATION CONTROL AGREEMENT

This Agreement is entered into on \_\_\_\_\_, by and between \_\_\_\_\_, herein referred to Owner/Operator, and the \_\_\_\_\_ Conservation District, herein referred to as the Conservation District, under the authority of Section 9109(2) of Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. This agreement terminates on \_\_\_\_\_.

This agreement covers the earth change activities associated with the identified agricultural practice(s) at the following locations in \_\_\_\_\_ County:

<u>Agricultural Practice(s)</u>	<u>Township</u>	<u>Section</u>

The Owner/Operator agrees to:

1. Develop project-specific SESC plans, consistent with requirements of Rule 1703 promulgated under Part 91, and submit them to the Conservation District for review, approval, and inclusion as part of this agreement prior to initiating the earth change.
2. Execute the approved SESC plans and conditions set forth in this agreement.
3. Implement additional SESC measures or other work not specified in this Agreement if deemed necessary by the Conservation District to ensure the activity is in compliance with Part 91 and the rules promulgated under Part 91.

4. Obtain all other applicable federal, state, or local permits.  
**Note:** Landowners undertaking earth changes that disturb one or more acres with a point source discharge to surface waters of the state (lakes, streams, and wetlands) must obtain storm water authorization under the National Pollutant Discharge Elimination System (NPDES) from the Michigan Department of Environmental Quality (MDEQ). Landowners disturbing from one to less than five acres have automatic NPDES authorization to discharge storm water once an SESC permit is obtained. An agricultural agreement does not replace the need for an SESC permit if storm water coverage is required. Landowners disturbing five or more acres with a discharge to the waters of the state are required to obtain NPDES authorization by submitting a Notice of Coverage (NOC), a copy of the SESC permit, site location map, and the appropriate fee to the MDEQ. An agricultural agreement does not replace the need for submittal of an SESC permit if storm water coverage is required. Please also note that the installation of conservation practices to control nonpoint source pollution from agricultural and silvicultural activities do not require storm water coverage; examples of these practices include grassed waterways, diversions, water and sediment control basins, terraces, grade stabilization structures, and forest harvest trails and landings. However, activities not related to controlling nonpoint source pollution such as construction of barns, sheds, and other buildings or the

conversion of agricultural lands to wetlands do not fall under the storm water coverage exclusion and would require storm water coverage if they disturb one or more acres and have a point source discharge to the waters of the state. Individuals undertaking the above activities, regardless if they are excluded or not excluded for storm water coverage, are required to obtain an SESC permit or an agricultural agreement if they meet the size or location criteria for a permit under Part 91.

5. Notify the Conservation District within seven (7) days of starting the work and within seven (7) days of completing the work authorized in this agreement.

6. Other:

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The Conservation District agrees to:

1. Determine, upon request of the Owner/Operator, necessary SESC measures or requirements for each agricultural practice covered by this Agreement, consistent with Part 91 and the rules promulgated under Part 91.
2. Provide, upon request of the Owner/Operator, technical assistance in designing and implementing necessary SESC measures.
3. Provide a copy of this executed agreement, extension of this agreement, and termination of this agreement to the county or municipal enforcing agency within seven (7) days of the execution, extension, or termination of this agreement.
4. Oversee (inspect) the earth change activities described in this agreement to ensure compliance with this agreement, the approved SESC plan, additional measures deemed necessary by the Conservation District, Part 91, and the rules promulgated under Part 91. **If the Owner/Operator is not in compliance with the above, the Conservation District shall inform the county or municipal enforcing agency of the noncompliance.**
5. Obtain the SESC training required under Part 91.

It is further mutually agreed and understood that:

1. This Agreement may be terminated at the will of either party upon written notice to the other party. **Note:** If the earth change is not stabilized when this Agreement is terminated, a Part 91 SESC permit may be required from the county or municipal enforcing agency.
2. The Conservation District may extend this Agreement upon receiving written request from the Owner/Operator prior to the Agreement termination date.
3. This Agreement shall automatically terminate upon the death or disability of the Owner/Operator or upon the assignment of interest in the lands described herein by

the Owner/Operator. The Owner/Operator shall give written notice of an assignment of interest within five (5) days to the Conservation District.

4. Any ongoing agricultural practice involving earth change activity commenced under this Agreement may, upon the termination of the Agreement by death, disability, or assignment of interest, be completed by an assignee or personal representative subject to all provisions of the Agreement.

\_\_\_\_\_  
Conservation District Representative Signature

\_\_\_\_\_  
Title

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner/Operator Signature

\_\_\_\_\_  
Title

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_

Date: \_\_\_\_\_